

FILED

September 21 2009

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA



**IN THE SUPREME COURT OF THE STATE OF MONTANA  
THE OFFICE OF THE CLERK OF SUPREME COURT  
HELENA, MONTANA 59620-3003**

CYNTHIA D BROOKS  
ATTORNEY AT LAW  
DEPT OF ENVIRON QLTY  
PO BOX 200901  
HELENA MT 59620-0901

September 21, 2009

RE: District Court Case No: BDV 04-596

**NOTICE OF FILING**

Supreme Court No.  
DA 09-0510

STATE OF MONTANA, EX REL. DEPARTMENT  
OF ENVIRONMENTAL QUALITY,

Plaintiff and Appellant,

v.

BNSF RAILWAY COMPANY,

Defendant and Appellee.

Notice of Appeal was filed on September 14, 2009 and assigned the above Supreme Court case number.

PLEASE NOTE the time for filing the appellant's opening brief has NOT yet begun. Another notice will be sent when this office receives the district court record, the filing of which initiates the briefing schedule pursuant to the Montana Rules of Appellate Procedure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ed Smith", is written over a horizontal line.

ED SMITH  
Clerk of the Supreme Court



**IN THE SUPREME COURT OF THE STATE OF MONTANA  
THE OFFICE OF THE CLERK OF SUPREME COURT  
HELENA, MONTANA 59620-3003**

LEO BERRY  
ATTORNEY AT LAW  
825 GREAT NORTHERN SUITE 105  
PO BOX 1697  
HELENA MT 59624-1697

September 21, 2009

RE: District Court Case No: BDV 04-596

**NOTICE OF FILING**

Supreme Court No.  
DA 09-0510

STATE OF MONTANA, EX REL. DEPARTMENT  
OF ENVIRONMENTAL QUALITY,

Plaintiff and Appellant,

v.

BNSF RAILWAY COMPANY,

Defendant and Appellee.

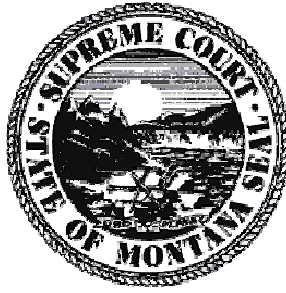
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Sincerely,

A handwritten signature in blue ink, appearing to read "J. Berry", is written over the "Sincerely," text.

ED SMITH  
Clerk of the Supreme Court



**IN THE SUPREME COURT OF THE STATE OF MONTANA  
THE OFFICE OF THE CLERK OF SUPREME COURT  
HELENA, MONTANA 59620-3003**

PAUL J LAWRENCE  
ATTORNEY AT LAW  
KL GATES  
925 4TH AVENUE SUITE 2900  
SEATTLE WA 98104-1158

September 21, 2009

RE: District Court Case No: BDV 04-596

**NOTICE OF FILING**

Supreme Court No.  
DA 09-0510

STATE OF MONTANA, EX REL. DEPARTMENT  
OF ENVIRONMENTAL QUALITY,

Plaintiff and Appellant,

v.

BNSF RAILWAY COMPANY,

Defendant and Appellee.

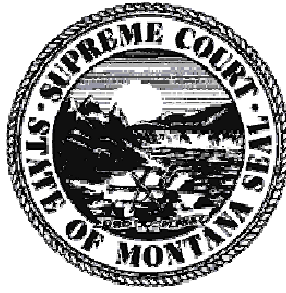
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Sincerely,

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ED SMITH  
Clerk of the Supreme Court



**IN THE SUPREME COURT OF THE STATE OF MONTANA  
THE OFFICE OF THE CLERK OF SUPREME COURT  
HELENA, MONTANA 59620-3003**

MARC G BUYSKE  
ATTORNEY AT LAW  
44 W 6TH AVE STE 200  
PO BOX 1185  
HELENA MT 59624-1185

September 21, 2009

RE: District Court Case No: BDV 04-596

**NOTICE OF FILING**

Supreme Court No.  
DA 09-0510

STATE OF MONTANA, EX REL. DEPARTMENT  
OF ENVIRONMENTAL QUALITY,

Plaintiff and Appellant,

v.

BNSF RAILWAY COMPANY,

Defendant and Appellee.

Notice of Appeal was filed on September 14, 2009 and assigned the above Supreme Court case number.

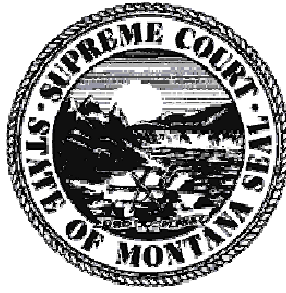
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Sincerely,

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ED SMITH  
Clerk of the Supreme Court





**IN THE SUPREME COURT OF THE STATE OF MONTANA  
THE OFFICE OF THE CLERK OF SUPREME COURT  
HELENA, MONTANA 59620-3003**

NANCY SWEENEY  
CLERK OF DISTRICT COURT  
PO BOX 158  
HELENA MT 59624-0158

September 21, 2009

RE: District Court Case No: BDV 04-596

**NOTICE OF FILING**

Supreme Court No.  
DA 09-0510

STATE OF MONTANA, EX REL. DEPARTMENT  
OF ENVIRONMENTAL QUALITY,

Plaintiff and Appellant,

v.

BNSF RAILWAY COMPANY,

Defendant and Appellee.

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ED SMITH

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